

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ROBIN DARWIN,

Plaintiff,

-v-

NEWBURGH OPERATIONS, LLC d/b/a SAPPHIRE
NURSING AT MEADOW HILL, TZVI BARAX *in his*
*individual and professional capacities,*Defendants.
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22-cv-872 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff moves for an order requiring Defendants to produce ESI that hit upon agreed-upon search terms between the parties, but that is non-responsive to Plaintiff's document requests, and for a privilege log. Dkt. No. 35. The motion is granted in part and denied in part. Plaintiff's request for an order compelling the production of non-responsive ESI that hits upon search terms is denied. Defendants are required to produce only the documents that are requested in a proper Rule 34 request for documents. Fed. R. Civ. P. 34. The search terms serve as a vehicle for the parties to identify the universe from which defendants will search for responsive documents; the request does not call for all documents that contain the agreed-upon search terms. The request for a privilege log is granted. Local Civil Rule 26.2(b) requires a party claiming privilege to produce a privilege log within thirty days of a request for documents or by a date that is agreed upon by the parties or set by the court. *See In re Bystolic Antitrust Litig.*, 2021 WL 878568, at *3 (S.D.N.Y. Mar. 9, 2021) (citing Loc. Civ. R. 26.2(b)). The Court's July 13, 2022 Order did not order to the contrary. It was intended to address the information that must be included in the response to the request for production of documents generally, and not whether—in addition to producing a response to the request for production of documents—the responding party is to produce a privilege log. Dkt. No. 28. The parties shall follow the procedures set forth in Local Civil Rule 26.2 and are encouraged to follow Local Civil Rule 26.2(c). *See Rekor Sys., Inc. v. Loughlin*, 2021 WL 5450366, at *1 (S.D.N.Y. Nov. 22, 2021). The information required by Local Civil Rule 26.2 shall be provided by September 29, 2022.

SO ORDERED.

Dated: September 21, 2022
New York, New York

LEWIS J. LIMAN
United States District Judge